

Adopted.

Senator Atlee moved to reconsider the vote by which the amendment (Beall's) was adopted.

Lost.

By Senator Tillett:

Amend by adding after the word "mentioned," in line 14, on page 1, the following: "But all stockholders in any corporation formed under this or subsequent sections shall be personally liable to an amount double the stock owned by them therein in any case where said corporation would be liable."

Senator Gough moved to lay the amendment (Tillett's) on the table.

Tabled by the following vote:

Yeas—16.

Atlee.	Linn of Wharton.
Bailey.	Neal.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stone.
Gough.	Turney.
Kerr.	Wayland.
Lewis.	Yett.

Nays—9.

Colquitt.	Stafford.
Dibrell.	Terrell.
Goss.	Tillett.
Harrison.	Woods.
Morriss.	

Excused.

Boren.	Linn of Victoria.
Darwin.	Presler.
Greer.	Yantis.

By Senator Lewis:

Amend subdivision 54, page 9, line 7, by adding after the word "quarries" the words "manufacturing plants."

Adopted.

By Senator Bowser:

Strike out all of section 25, page 3, after the word "subdivision," in line 15.

Senator Colquitt moved that the Senate go into executive session on to-morrow (Wednesday) at 11:30 a. m.

Carried.

On motion of Senator Atlee, the Senate adjourned until 10 a. m. to-morrow.

TWENTY-THIRD DAY.

Senate Chamber,

Austin, Tex., Wednesday, Feb. 10.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the fol-

9—Senate.

lowing Senators answering to their names:

Atlee.	Lewis.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Boren.	Neal.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yett.

Excused.

Linn of Victoria. Yantis.
Presler.

Prayer by Dr. F. S. Jackson, Chaplain.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 8, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 92, a bill to be entitled "An act to amend article 3829, title 85, of the Revised Civil Statutes of 1895, relating to rooms in the Capitol."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying committee substitute do pass.

YETT, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

House bill No. 62, a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by adding after "shall," in line 4, page 4, the following: "Upon the payment of all its franchise taxes."

Amend by adding after the word "shall," in line 19, page 4, the following: "Upon the payment of its franchise taxes."

COLQUITT, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 38, a bill to be entitled "An act to limit and regulate the fees and compensation to be received by precinct, county and district officers, and to provide for the appointment and pay of their deputies, and other expenses of such officers, and for paying the excess over such compensation to the county for free school purposes, and for collecting such excess."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, for the reason that Senate bill No. 83, embracing the same subject, has been reported to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith."

Have carefully considered same, and I am instructed by committee to report same back to the Senate with the recommendation that it do pass, with the following amendments:

On page 1:

Line 17, amend by striking out "2250," and inserting "2000."

Line 18, amend by adding after the words "per annum," the following: "And in addition thereto an amount not to exceed one-fourth of the excess of fees collected by the said officers respectively."

Line 28, amend by adding the last above amendment, after the words "per annum."

On page 2:

Line 4, amend by adding last amend-

ment on page 1, after the words "per annum."

Line 17, amend by inserting after the words "maximum amount allowed" the following: "And of the one-fourth of the excess of the maximum amount allowed."

Line 22, amend by striking out after the word "respective," the word "counties," and inserting therein the word "districts."

Line 23, amend by inserting after the word "issue," the following: "Either in term time or vacation."

On page 3:

Line 18, amend by inserting after the words "State shall" the word "not."

On page 4:

Line 3, amend by striking out section 7, and inserting in its stead the following, to-wit: "There shall be paid for the collection of taxes as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first \$10,000 collected, and 4 per cent on the next \$10,000 collected for the State, and 1¼ per cent on all collections over that sum; for collecting the county tax, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and 1¼ per cent on all such taxes collected over that sum; and in counties owing subsidies to railroads, the collector shall receive only 1 per cent for collecting such railroad tax, and in cases where property is levied on and sold for taxes he shall receive the same compensation as allowed by law to sheriffs and constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales."

BEALL, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 112, a bill to be entitled "An act to repeal article 271 of the Penal Code of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 161, a bill to be entitled "An act to regulate the sale and transfer of judgments of courts of record, and of causes of action or interest therein, where suit has been filed thereon, and to provide for recording such transfers."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 115, a bill to be entitled "An act to amend article 616, chapter 11, title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 118, a bill to be entitled "An act to repeal article 5000, of title CII, chapter 5, of the Revised Civil Statutes of Texas, and to amend article 4998 of said title and chapter, relating to a lawful fence and the impounding of stock in counties and subdivisions of counties where the stock law has been adopted."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 124, a bill to be entitled "An act to add articles 1600a and 1600b to the Revised Civil Statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 107, a bill to be entitled "An act to amend article 2294, of title 40, chapter 3, of the Revised Civil Statutes of the State of Texas, relating to ex parte depositions of opposing parties."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 148, a bill to be entitled "An act to amend article 2091, of the Revised Civil Statutes of the State of Texas, relating to classification and payment of claims against estates."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 135, a bill to be entitled "An act to amend article 2325 of the Revised Statutes of the State of Texas, relating to executions."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 21, a bill to be entitled "An act regulating the licensing of attorneys and counsellors at law and the practice of law within this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 136, a bill to be entitled "An act to amend article 3102 of the Revised Civil Statutes of the State of Texas, title LIX, relating to interest."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room.

Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 123, a bill to be entitled "An act to amend articles 2453, 2457 and 2463, of the Revised Civil Statutes of the State of Texas, relating to fees of county officers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 62, a bill to be entitled "An act to amend article 1995, Revised Statutes, relating to the estates of decedents."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 133, a bill to be entitled "An act to amend section 20, of the Final Title of the Revised Civil Statutes of the State of Texas, so as not to conflict with article 991 of such Revised Statutes, fixing the terms of the Courts of Civil Appeals."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the accompanying substitute Senate bill No. 133 do pass.

LEWIS, Chairman.

The Chair announced the appointment of Senator Turney, in lieu of Senator Presler, on the committee to visit the University of Texas and the Medical Branch at Galveston, also the addition of Senator Linn of Wharton to said committee.

The Chair laid before the Senate the following invitation:

Austin, Texas, Feb. 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Sir: A cordial invitation is extended to yourself, to the members of the Senate and its officers, to attend the inauguration of George Tayloe Winston as President of the University of Texas.

The exercises will be held in the University auditorium, beginning at 2.30 p. m., February 10. Electric cars will be at the temporary capitol from 1.45 to 2.30 p. m.

It is trusted that as many as possible will be present. Very respectfully,

THOS. D. WOOTEN,

Chairman of the Board of Regents.

BILLS AND RESOLUTIONS.

By Senator Rogers:

Senate bill No. 178, a bill to be entitled "An act to amend articles 510, 511, 512 and 513, of chapter 5, title XIII, of the Penal Code of the State of Texas, and to repeal articles 513a, 513b, 513c and 513d, of said Penal Code, relating to the protection of fish in the waters of this State above tide-water, and to repeal all laws in conflict with the provisions of this act in so far as they conflict herewith."

Read first time and referred to Judiciary Committee No. 2.

By Senator Darwin:

Senate bill No. 179, a bill to be entitled "An act to amend title LXIX of the Revised Statutes of the State of Texas, article 3384, concerning local option."

Read first time and referred to Committee on State Affairs.

By Senator Tillett:

Senate bill No. 180, a bill to be entitled "An act to amend article 5098 of chapter 3, title CIV, of the Revised Civil Statutes of the State of Texas, relating to the rendition of property for taxation."

Read first time and referred to Committee on State Affairs.

By Senator Tillett:

Senate bill No. 181, a bill to be entitled "An act to amend article 5068 of chapter 2, title 104, of the Revised Civil Statutes of the State of Texas, re-

lating to the rendition of property for taxation."

Read first time and referred to Committee on State Affairs.

By Senator Tillett (by request):

Senate bill No. 182, a bill to be entitled "An act to provide an additional method of preparing transcripts of the record in civil cases, on appeal or writ of error, and to have the same printed, and prescribing the method of preparing and printing the same, and prescribing the costs and fees to be charged and collected therefor."

Read first time and referred to Judiciary Committee No. 1.

By Senator Tillett (by request):

Senate bill No. 183, a bill to be entitled "An act to allow affidavits to be made and recorded on questions of heirship, family history and tradition of deceased persons, and providing for their introduction in evidence in suits and the effect to be given to such evidence."

Read first time and referred to Judiciary Committee No. 1.

By Senator Tillett (by request):

Senate bill No. 184, a bill to be entitled "An act to provide that when any prior decision or opinion of the Supreme court of this State is overruled, changed or modified by a subsequent decision or opinion of said court, all contracts, claims, rights, titles, interests and causes of action which were made or arose or accrued prior to such subsequent decision or opinion, shall not be affected thereby, but shall be governed, construed and enforced in accordance with such prior decision or opinion."

Read first time and referred to Judiciary Committee No. 1.

By Senator Harrison:

Senate bill No. 185, a bill to be entitled "An act to amend article 3384, Revised Civil Statutes of Texas, relating to the local option law."

Read first time and referred to Committee on Public Health.

By Senator Rogers:

Senate bill No. 186, a bill to be entitled "An act to amend article 3910 of the Revised Statutes of 1895, relating to public schools."

Read first time and referred to Committee on Education.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 1, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or cor-

porations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

Action being on the amendment offered by Senator Dibrell:

Amend by striking out, in section 1, all after the word "corporation," in line 15, and inserting in lieu thereof the following: "In the same manner as is allowed by law to other persons not employes, when the injury results from the negligence of a fellow-servant engaged in another department, grade or character of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work; provided, an engineer in charge of a locomotive shall under no circumstances ever be a fellow-servant with any other employe of such person, receiver or corporation."

(Senator Terrell in the chair.)

(Lieutenant-Governor Jester in the chair.)

The Chair announced that the hour fixed for the Senate to go into executive session had arrived, and the Senate accordingly went into executive session.

AFTER EXECUTIVE SESSION.

In executive session, the Senate confirmed the following appointments made by the Governor:

Members of the Live Stock Sanitary Commission: W. J. Moore of Harris county; R. J. Kleberg of Nueces county, W. B. Tullis of Hardeman county.

The Chair laid before the Senate an invitation from President Winston to the effect that the Senate attend the inaugural exercises in a body.

By Senator Beall:

Resolved, that when the Senate adjourns it adjourn to meet at 2.15 o'clock p. m. at the Avenue hotel, and that it then meet and attend the inaugural exercises of the President of the University of Texas in a body.

Adopted.

On motion of Senator Beall, further consideration of Senate bill No. 1 was postponed until to-morrow morning after call and from day to day.

On motion of Senator Turney,

Senate bill No. 74, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to forfeit all lands heretofore sold by the State, under any of the various acts of

the Legislature, for failure to pay any portion of the purchase price therefor, or interest thereon, or for failure to reside on said land,"

Was made special order for next Friday after call.

On motion of Senator Linn of Wharton,

Senate bill No. 105, a bill to be entitled "An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into same by owners of lands adjacent to said road, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system."

Was made special order for next Friday after Senate bill No. 74 and from day to day.

PENDING BUSINESS.

By Senator Bowser:

Amend Senate bill No. 55 by striking out all of section 25, page 3, after the word "subdivision," in line 15.

Senator Colquitt moved to lay the amendment on the table.

Lost by the following vote:

Yeas—11.

Bailey.	Linn of Wharton.
Beall.	Morriss.
Colquitt.	Ross.
Darwin.	Terrell.
Goss.	Tillett.
Harrison.	

Nays—15.

Atlee.	Rogers.
Bowser.	Stafford.
Burns.	Stone.
Dibrell.	Turney.
Gough.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Neal.	

Excused.

Boren.	Presler.
Greer.	Yantis.
Linn of Victoria.	

The amendment (Bowser's) was then lost by the following vote:

Yeas—11.

Atlee.	Lewis.
Bailey.	Neal.
Bowser.	Rogers.
Burns.	Stone.
Dibrell.	Wayland.
Kerr.	

Nays—14.

Beall.	Morriss.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Linn of Wharton.	Woods.

Absent.

Yett.

Excused.

Boren.	Presler.
Greer.	Yantis.
Linn of Victoria.	

By Senator Harrison:

Amend article 54, page 7, by striking out from the words "and mills," in line 9, to the close. Lost.

By Senator Dibrell:

Amend by striking out the first sentence in section 50, and in lieu thereof substitute the following:

"For the organization of mutual relief associations, providing and giving relief to its members in cases of losses of or damage to their property that may be caused by fire, storm or lightning, having no capital stock, and whose relief funds are created and sustained by assessments made upon the members of such associations in accordance with their several by-laws and regulations; provided, that all associations chartered by virtue of this subdivision shall conform to the demands and requirements of article 3096, in title 58, of the Revised Statutes of the State of Texas; and such associations shall be entitled to all the exemptions and benefits made and provided for in said article 3096; and provided further, that no such association shall be organized for the purpose of profit.

Adopted.

Senator Gough moved to reconsider the vote by which the amendment to Senate bill No. 55, offered by Senator Bowser, was lost

By Senator Beall:

Resolved by the Senate, the House of Representatives concurring, that Wednesday of each week be set apart by each house for the consideration of bills coming from the other house.

On motion of Senator Kerr, the Senate adjourned until to-morrow at 10 o'clock a. m.

TWENTY-FOURTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Feb. 11.

Senate met pursuant to adjournment.